

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ABS GLOBAL, INC.,

Plaintiff/Counterclaim Defendant,

v.

OPINION & ORDER

14-cv-503-wmc

INGURAN, LLC,

Defendant/Counterclaimant/Third-Party Plaintiff,

and

XY, LLC,

Intervening Defendant/Counterclaimant/Third-Party Plaintiff,

and

CYTONOME/ST., LLC,

Intervening Defendant,

v.

GENUS PLC,

Third-Party Defendant.

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On April 20, 2016, Inguran and XY filed a motion (dkt. #389) to extend the May 17, 2016, discovery deadline and to expand the amount of allowable discovery so that Inguran and XY could obtain additional information related to ABS's next version of its GSS semen sorting machine, the GSSv1.5. In the introduction to their motion, Inguran and XY challenge whether the GSSv1.5 system is even part of this lawsuit, but apparently brought this motion as a prophylactic if it is. (Dkt. #389 at 1.) This precautionary measure was obviously justified, since ABS and Genus brazenly oppose the request for more discovery and a longer discovery deadline, despite declaring their view that the new GSSv1.5 is subsumed within the original "all versions" accusations made by Inguran and XY

in the claims chart. (Dkt. #394 at 7-8.) The court permitted a reply in which Inguran and XY confirmed that they were unaware of the GSSv1.5 system until recently, and that as a result, there has been no formal discovery of that system in this lawsuit. (Dkt. #401.) Since the court's view is that the GSSv1.5 system is NOT part of this lawsuit both as a matter of fact and practicality, however, no discovery is needed on it, and the motion to extend and expand discovery is DENIED as moot.

Entered this 28th day of April, 2016.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge